REMARKS

Claims 1-25 are pending in the instant application. Claims 1-25 have been subjected to a restriction requirement as follows:

Group I, claims 1-6 and 9, drawn to a polynucleotide, oligonucleotide, vector, host cell, and a method of making a protein, classified in class 536, subclass 23.1;

Group II, claims 7, 9 and 23, drawn to a polypeptide, classified in class 530, subclass 350;

Group III, claim 8, drawn to an antibody, classified in class 530, subclass 387.1;

Group IV, claims 10-14, drawn to a method of diagnosing the presence and metastases of lung cancer and staging and monitoring ling cancer, classified in class 435, subclass 7.1;

Group V, claim 15, drawn to a method of identifying potential therapeutic agents for imaging and treating lung cancer, classified in class 424, subclass 9.341 and 134.1;

Group VI, claims 16-17, drawn to a method of imaging lung cancer, classified in class 424, subclass 9.341;

Group VII, claims 18-19, drawn to a method of treating lung cancer with an antibody, classified in class 424, subclass 178.1;

Group VIII, claims 20 and 21, drawn to a method of identifying compounds which antagonize the LSG polypeptide,

classified in class 424, subclass 184.1;

Group IX, claims 20 and 21, drawn to a method of identifying compounds which agonize the LSG polypeptide, classified in class 424, subclass 184.1;

Group X, claim 24, drawn to a method of inducing an immune response against a polypeptide, classified in class 514, subclass 2; and

Group XI, claim 25, drawn to a method of treating lung cancer with a vaccine, classified in class 424, subclass 185.1

The Examiner suggests that these Groups are distinct each from the other. Specifically, with respect to Groups I-III and IV-XI, the Examiner has acknowledged their relationship as products and method of use. However, the Examiner suggests that the products of Groups I-III can be used for different processes. With respect to Groups I-III, the Examiner suggests that they are drawn to structurally and functionally different molecules. With respect to Groups IV-XI, the Examiner suggests that the methods differ in steps, mode of operation, reagents needed and serve different endpoints and effect.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A proper search of the prior art relating to the polynucleotides of Group I should also reveal art relating to the polypeptides in Groups II and antibodies in Group III as well as uses thereof as set forth in the claims of Groups IV though IX. Thus, it does not appear that a serious burden would be placed upon the Examiner if restriction were not made.

Accordingly, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, it is respectfully requested that this Restriction Requirement be withdrawn.

However, in an earnest effort to be completely responsive, Applicants elect Group I, claims 1-6 and 9 with traverse.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

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